

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN THE MATTER OF:

RICHARD DANIEL WOTRING
TAMMY JO WOTRING
Debtors

CASE NUMBER: 10-30347
CHAPTER 13

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW, the Trustee, Debra L. Miller, by counsel, and for her Objection to Debtors' Plan states:

1. Debtors are making their payments via money order and are current.
2. Debtors are below median income debtors and their disposable income is determined by 11 U.S.C. §1325(b)(1)(B) using Schedule I and J.
3. Debtors' Schedule J lists monthly charitable contributions in the amount of \$400.00 per month. Trustee needs documentation of this contribution. To the extent that this is not provided, Trustee objects to confirmation as the disposable income test is not being met as the actual deduction cannot be verified.
4. Debtors' plan needs to be amended to surrender their interest in their adult daughter's vehicle as she is making the monthly payments on this vehicle.
5. Debtors' plan does not provide for the secured mortgage arrearage claim filed by Carrington Mortgage Services, LLC, in the amount of \$2,707.20. Any confirmation order for this case will need to provide for and fund this claim.
6. Debtors testified at the 341 hearing that they were in the process of repairing one of their trucks that was in an accident. Trustee objects to confirmation as Debtors

have not provided Trustee with information on the repairs that have been performed, what repairs are still needed, and information on any insurance proceeds.

7. Debtors' Schedule J lists a monthly expense of \$1,621.00 for the operation of a business. Debtors have not provided Trustee with a break out of these expenses or monthly reports for their business. To the extent this is not provided, Trustee objects to confirmation as the disposable income test is not met as this expense is not actual or necessary for Debtors' successful reorganization.
8. Debtors testified at the 341 hearing that their adult daughter lives with them and is working. Trustee objects to confirmation as Schedule J and the Means test fail to accurately indicate household disposable income as her income is not reflected on Debtors' Schedules or Means test.

WHEREFORE, as the plan has yet to comply with 11 U.S.C. §1325(a) and (b) for the reasons stated above, the Trustee objects to the confirmation of the plan.

Dated: May 4, 2010

Respectfully Submitted,

/s/ Sarah E. Willms
Staff Attorney for
Debra L. Miller, Chapter 13 Trustee
P.O. Box 11550
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this objection was served as follows on May 4, 2010

By U.S. Mail postage prepaid:

Debtors: Richard and Tammy Wotring, 56038 Currant Road, Mishawaka, In 46545

By electronic mail via CM/ECF:

Debtors' Attorney: Benedict Marnocha

U.S. Trustee at ustregion10.so.efc@usdoj.gov

/s/ Sarah E. Willms